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Enefit American Oil Co.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

LIVING RIVERS; GRAND CANYON
TRUST; CENTER FOR BIOLOGICAL
DIVERSITY; NATURAL RESOURCES
DEFENSE COUNCIL; SIERRA CLUB;
WATERKEEPER ALLIANCE, INC.;
COLORADO RIVERKEEPER; and
UTAH PHYSICIAN FOR A HEALTHY
ENVIRONMENT;

Plaintiffs ,

v.

DAVID BERHARDT, Secretary of the
Interior; JOSEPH BALASH, Assistant
Secretary for Land and Mineral
Management; U.S. DEPARTMENT OF
THE INTERIOR; U.S. BUREAU OF
LAND MANAGEMENT; U.S. FISH &
WILDLIFE SERVICE; and LARRY
CRIST, Field Supervisor of the U.S. Fish
& Wildlife Service's Utah Field Office;

Federal Defendants,

ENEFIT AMERICAN OIL CO.,

Intervenor-Defendant.

**INTERVENOR-DEFENDANT ENEFIT
AMERICAN OIL CO.'S AMENDED
STATEMENT DENYING ARBITRARY
OR CAPRICIOUS ACTION**

Civil No. 4:19-CV-00041-DN-PK

Judge David Nuffer
Magistrate Judge Paul Kohler

Pursuant to [DUCivR 7-4\(a\)\(2\)](#), Intervenor-Defendant Enefit American Oil Co. (“Enefit”) submits this Amended Statement Denying Arbitrary or Capricious Action in response to Plaintiffs’ Amended and Supplemental Complaint for Declaratory and Injunctive relief, (ECF No. 61). Intervenor-Defendant Enefit joins with the Federal Defendants and denies that the decision of the Federal Defendants approving and issuing the rights-of-way across federal public land, or any part thereof, violated or violates either the National Environmental Policy Act, the Endangered Species Act, or their implementing regulations. Intervenor-Defendant Enefit also joins with the Federal Defendants and denies that the decision of the Federal Defendants was or is arbitrary or capricious or an abuse of discretion, denies that the decision was or is not supported by substantial evidence; and denies that the decision was or is not in accordance with law, as Plaintiffs allege. *See* Complaint ¶¶ 37,38, 39, 40, 41, 42, 43, 44, 47, 48, 49, 50, 51, 52 and 53. Intervenor-Defendant Enefit further joins with Federal Defendants and denies that Plaintiffs are entitled to any relief sought in the Amended and Supplemental Complaint. Consequently, Intervenor-Defendant Enefit denies that Plaintiffs have stated a claim for relief.

Respectfully submitted,

Dated: March 10, 2020

STOEL RIVES LLP

By: /s/ Martin K. Banks
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Enefit American Oil Co.

CERTIFICATE OF SERVICE

I certify that on March 10, 2020, I filed a copy of the foregoing document with the Clerk of the Court for the U.S. District Court of Utah by using the CM/ECF system.

Participants in this Case No. 4:19-CV-00041-DN-PK who are registered CM/ECF users will be served by the CM/ECF system.

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